



Appeal Decision

Site visit made on 10 January 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/X3540/W/22/3299052

Units 1 & 2 plus workshop, Land opposite 1 Loudham Lane, Loudham Lane, Ufford, Woodbridge, Suffolk IP13 6ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Richard Curtis against the decision of East Suffolk Council.
 - The application Ref DC/22/0870/FUL, dated 3 March 2022, was approved on 4 May 2022 and planning permission was granted subject to conditions.
 - The development permitted is Change of existing holiday lets and workshop to a single three-bed holiday accommodation.
 - The condition in dispute is No 3 which states that: *"The premises herein referred to shall be used for holiday letting accommodation associated with 1 Loudham Lane, Ufford and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation. The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority"*.
 - The reason given for the condition is: *"To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development"*.
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Decision

1. The appeal is allowed and the planning permission Ref DC/22/0870/FUL for Change of existing holiday lets and workshop to a single three-bed holiday accommodation at Units 1 & 2 plus workshop, Land opposite 1 Loudham Lane, Loudham Lane, Ufford, Woodbridge, Suffolk IP13 6ED granted on 4 May 2022 by East Suffolk Council, is varied by deleting condition 3 and substituting for it the following condition:
 - 3) The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended).

The duration of occupation by any one person, or persons, of the holiday unit shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday unit hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Main Issue

2. The main issue is whether the condition is necessary and reasonable in the interests of ensuring the property is only occupied as holiday accommodation.

Reasons

3. The appeal site is located in an area of open countryside where, for planning purposes, residential development is restricted. Part of the appeal property has been in use as two separate units of holiday accommodation. The permission subject of this appeal allowed for these units and the workshop to be used as one larger unit of holiday accommodation.
4. Condition 3 ensures the property is occupied as holiday accommodation only and is comprised of a number of discrete elements.
5. The appellant seeks to vary the disputed condition by removing a requirement that the holiday accommodation be associated with 1 Loudham Lane. There is no evidence before me of any planning reason as to why this particular restriction is necessary or reasonable to ensure that the premises is occupied as holiday accommodation, and the Council has not sought to resist its deletion from the condition. No other reason for imposing the condition was included on the decision notice.
6. It is not in dispute that the condition as a whole is necessary insofar as it restricts the use of the property, limits the number of days it can be occupied, and requires the owner/operator to keep a register of occupants. That these limitations will be imposed is clearly set out in the Suffolk Coastal Local Plan adopted 20 September 2020 (SCLP) Policy SCLP6.5 which sets criteria for allowing new tourist accommodation. These provisions alone would be effective in ensuring the development would be occupied as holiday accommodation.
7. Accordingly, I find that the requirement within the condition that the holiday accommodation be associated with 1 Loudham Lane is not necessary or reasonable to ensure that the property is occupied as holiday accommodation only.

Other Matters

8. The principle of the use of the site for holiday accommodation was established by the previous permission¹. I acknowledge this was under the provisions of a different development plan to that before me, however the appeal proposal was assessed by the Council and found to be a suitable location for such development in accordance with the requirements of the SCLP. I have no reason to reach a different conclusion. Any future applications for holiday accommodation would be assessed against the policies of the development plan on their own merits. Allowing this appeal would not set a precedent that would fetter the discretion of the Council in determining any such applications.

¹ DC/15/3541/FUL

9. There is conflicting evidence as to how the site has been used since the previous permission was granted, however, the Council has accepted the previous permission has been implemented, and I have no reason to find otherwise.
10. Interested parties have highlighted concerns about the effects on the living conditions of occupiers of the surrounding dwellings. The Council's report sets out that noise from the site is not likely to exceed the noise associated with residential use and I have no reason to disagree with this. Furthermore, the Council's Environmental Protection officers did not object to the proposal and there are protections from other regimes should adverse noise effects arise. There would be no loss of privacy as the relationship between the gardens would be typical of those commonly found in residential areas. There is also sufficient space within the site as a whole that bins would be capable of being satisfactorily accommodated.
11. The appeal does not propose the building of a new house and as such, the layout, density, amount of open land, outlook from neighbouring properties and landscape impact would not be altered. The application is clear that remedial works to the building are required, but that the majority of these would be internal and would not require planning permission. Any disruption during the construction process would be temporary and short term, and unlikely to have an effect on surrounding farm animals. The proposed external alterations are limited to the installation of glazed doors in the existing garage door opening which would have a neutral effect on the character and appearance of the building.
12. Issues regarding the lawfulness of the building, alterations to it and land raising are not before me as part of this appeal. Matters of compliance with the other conditions on the permission are for the Council to consider should they arise. Similarly, should further external works be identified which require planning permission, that would be a matter for the Council at that time.
13. Any increase in traffic generation and impact on the road surface is likely to be minor, given the existing use of the building and the scale of the proposed use. Further, this would have a limited effect on the living conditions of neighbouring properties given the location of the appeal property and its associated off-road parking close to the junction. No changes are proposed to the access road therefore the ability of emergency vehicles to access the surrounding properties would not be altered. The Local Highways Authority has not raised any concerns with regard to highway safety or traffic generation. Cycle parking has been secured by condition. No planning policies have been brought to my attention which would require the installation of an electric vehicle charging point.
14. I acknowledge the historic association and significance of development on Loudham Lane with providing accommodation to people with infectious diseases away from more populated areas. However it has not been put to me that the present buildings were those used for these purposes. Even if I were to consider Loudham Lane as a non-designated heritage asset, the effect on its significance would be neutral as the building is existing.
15. A planning condition cannot prevent or restrict the sale or purchase of land in the circumstances of this appeal. Any future changes of use of the property would be assessed on their own merits at the time of any such application. It is

not reasonably related to the development proposed to impose conditions to prevent the submission of future planning applications.

16. No additional landscaping was sought by the Council during its determination of the application, and at my site visit I observed there was some planting around the boundaries of the garden areas. No planning reason for requiring additional enhancements has been put to me, and I do not see that it would be necessary in the context of a change of use of an existing building.
17. For the reasons given above, I conclude the appeal proposal would have a neutral effect on the character and appearance of the surrounding area.
18. Arrangements for the legitimate provision of utilities are controlled by other regimes.
19. While reference has been made to a condition attached to an annex at another property on Loudham Lane, I do not have details of that permission before me or how it would justify a different decision being reached on this appeal.

Conditions

20. I have concluded that it would not be reasonable or necessary for the holiday accommodation to be associated with 1 Loudham Lane. However the other provisions of the condition are reasonable and necessary to ensure that the development is only occupied as holiday accommodation. I will therefore replace the condition subject of the appeal with one that no longer contains the requirement that the holiday accommodation be associated with 1 Loudham Lane. I have also edited the condition to be clear the approval is for one unit of holiday accommodation only.
21. I have not amended any of the other conditions, which are unaffected by this decision.

Conclusion

22. For the reasons given above, I conclude that the planning permission should be varied as set out in the formal decision.

J Downs

INSPECTOR